

REMARKS

Claims 12 and 19 have been amended. No claims have been canceled or added. Hence, claims 1 - 30 are pending in the Application.

Summary of Office Action

Claims 1 – 11, 15 – 18, and 20 – 28 have been found to cite allowable subject matter.

Claims 12 – 14, 19, 29 and 30 are rejected under 35 USC 103(a) as being unpatentable over "Transaction Processing Concepts and Techniques", by Jim Grey and Andreus Reuter (1993), herein Grey, in view of "Scalable Timers for Soft State Protocols", by Puneet Sharma, et al. (IEEE 1997), herein Sharma.

Claims 12 and 19

Claims 12 and 19, recite "wherein determining a set of one or more transaction execution periods is based on measuring, for each transaction of said transactions, a period of time that reflects a duration between when said participant is requested to execute one or more operations of said transaction and when said participant acknowledges executing said one or more operations." Neither Grey or Sharma teach this feature.

As has been shown in the previous Office Action and responses there to, Grey does not teach anything about adjusting timer values, while Sharma does, but not in the way claimed. Sharma was described in the response to the previous Office Action. Those descriptions are incorporated herein by reference.

The Office Action alleges that Sharma discloses to adjust timer values based on one or more execution periods because Sharma allegedly teaches "that timer values are adjusted based on the amount of state, resulting in larger refresh intervals for larger

amounts of state, since transferring the state (transaction execution [sic]) takes longer for larger amounts of state."

The Office Action appears to argue that because Sharma teaches to adjust values based on an amount of state, that Sharma teaches to adjust timer values based on execution time because increased state requires more processing and hence more time to process. Assuming these allegations are true, Sharma nevertheless fails to teach claims 12 and 19 as amended.

Claims 12 and 19 require "measuring ...a period of time that reflects a duration between when said participant is requested to execute one or more operations of said transaction and when said participant acknowledges" the same. Determining an amount of state or basing something on an amount of state is not the same as a measuring a period of time, much less measuring a period of time that reflects the duration between when a request for executing an operation is made and when executing the operation is acknowledged, as claimed.

Finally, as noted in the response to the previous Office Action, Sharma does teach determining the time interval between receipts of different messages sent by a sender. However, the duration between when a request to a recipient is made and when an acknowledgment from the recipient is received is different then the time interval between when different messages are received by a recipient.

Based on the foregoing, claims 12 and 19 are patentable. Reconsideration and allowance of claims 12 and 19 is respectfully requested.

Pending Claims

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include

the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.


For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on Jan. 17, 2007 by Trudy Bagdon
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